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Express Mail No.: EV 832910061 US

IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE

Application Number: 10/731,316
Applicants: John Favuzzi, Benno Guggenheimer, Jeff Rau, Marc Key, Robert Lathrop, Rosanne Welcher
Filed: December 8, 2003
Title: Method and Apparatus for Pretreatment of Tissue Slides

TC/A.U: 1743
Examiner: Jill Alice Warden
Assignee: Dako Denmark A/S
Attorney Docket: DakoCyto Destiny-PreTreat
Customer No. 33549

LETTER OF TRANSMITTAL

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed with this correspondence are the following documents:

1. Submission of Information Disclosure Statement pursuant to 37 CFR 1.97 (b)(3);
2. Information Disclosure Statement pursuant to 37 CFR §1.97(b)(3) and copies of foreign references and other documents cited;
3. This Letter of Transmittal; and
4. A Certificate of Express Mailing for each document and a return receipt post card.

I have this 11 day of October, 2006, either myself personally or through my direction of staff at this office, deposited all of the items in the above letter of transmittal with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

Please confirm receipt of the documents by applying your date stamp on the enclosed postcard and returning it to me.

Dated this 11 day of October, 2006.

Respectfully Submitted,
SANTANGELO LAW OFFICES, P.C.

By: Nicole A. Rensue
Nicole A. Rensue
Attorney for Assignee
USPTO No. 48,665
125 South Howes, Third Floor
Fort Collins, Colorado 80521
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**SUBMISSION OF INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 C.F.R. 1.97(b)(3)**

The applicant respectfully requests consideration of the attached Information Disclosure Statement. Pursuant to 37 C.F.R. 1.97(b)(3), no fee is required.

In accordance with 37 C.F.R. §1.97(b)(3), this Information Disclosure Statement is filed before the mailing date of a first office action on the merits (to the Applicant's best knowledge). As a means of complying with the duty of disclosure set forth in 37 C.F.R. §§1.56, 1.97, and 1.98, the following information may be material to the examination of the referenced application. Pursuant to 37 C.F.R. Section 1.97(g), this Information Disclosure Statement should not be construed as a representation that a search has been made. Additionally, pursuant to 37 C.F.R. §1.97(h) the filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is or is considered to be material to patentability as defined in 37 C.F.R. 1.56(b). A copy of each item listed under Foreign References and Other Documents is enclosed.

Dated this 17 day of October, 2006.

Respectfully submitted,
SANTANGELO LAW OFFICES, P.C.

By: Nicole A. Rissue
Nicole A. Rissue
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CERTIFICATE OF EXPRESS MAILING

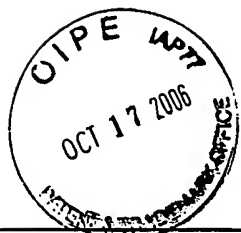
I, Cheryl A. Swanson, hereby certify to the truth of the following items:

1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, Colorado 80521.
2. I have this day deposited the attached Submission of Information Disclosure Statement pursuant to 37 CFR 1.97 (b)(3); Information Disclosure Statement Pursuant to 37 CFR §1.97(b)(3) and copies of foreign references and other documents cited; Letter of Transmittal; and return post card with the United States Postal Service as Express Mail, postage prepaid, for mailing to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

Dated this 17 day of October, 2006.



Cheryl A. Swanson



Express Mail No. EV 832910061 US

<p>IN THE UNITED STATES</p> <p>PATENT AND TRADEMARK OFFICE</p> <p>INFORMATION DISCLOSURE</p> <p>STATEMENT BY APPLICANT</p>	APPLICATION NO:	10/731,316
	FILING DATE:	December 8, 2003
	FIRST NAMED	John Favuzzi
	ART UNIT:	1743
	EXAMINER NAME:	Jill Alice Warden
	DOCKET NO:	DakoCyto Destiny-PreTreat

I. US PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NO. & KIND CODE (if known)	PATENTEE OR APPLICANT	PUBLICATION/ISSUE DATE mm/dd/yyyy	Pages, Columns, Lines Where Relevant Passages Or Relevant Drawings Appear
	3,219,416	Natelson	11/23/1965	
	3,398,935	Livesey, et al.	8/27/1968	
	3,547,064	Binnings, et al.	4/6/1971	
	3,680,967	Englehardt	8/1/1972	
	3,772,154	Isenberg et al.	11/13/1973	
	3,853,092	Amos et al.	12/10/1974	
	3,854,703	Gibbs et al.	12/17/1974	
	3,909,203	Young et al.	9/30/1975	
	3,916,157	Roulette et al.	10/28/1975	
	4,013,038	Rogers et al.	3/22/1977	
	4,066,412	Johnson et al.	1/3/1978	
	4,113,437	Duff et al.	9/12/1978	
	4,133,642	Nosaka et al.	1/9/1979	
	4,159,875	Hauser	7/3/1979	
	4,200,056	Johnson	4/29/1980	
	4,200,607	Suzuki	4/29/1980	
	4,245,967	Busselet	1/20/1981	
	4,298,571	DiFulvio et al.	11/3/1981	
	4,406,547	Aihara	9/27/1983	
	4,447,395	Englar et al.	5/8/1984	
	4,455,280	Shinohara et al.	6/19/1984	
	4,467,603	Wilson	8/28/1984	
	4,510,169	Linner	4/9/1985	
	4,567,748	Klass et al.	2/4/1986	
	4,585,622	Bowe et al.	4/29/1986	
	4,643,879	Hanaway	2/17/1987	
	4,647,432	Wakatake	3/3/1987	
	4,664,526	Scheffler et al.	5/12/1987	
	4,675,299	Witty et al.	6/23/1987	
	4,678,894	Shafer	7/7/1987	
	4,681,741	Hanaway	7/21/1987	

	4,683,120	Meserol et al.	7/28/1987	
	4,692,308	Riley, et al.	9/8/1987	
	4,708,886	Nelson	11/24/1987	
	4,719,087	Hanaway	1/12/1988	
	4,727,033	Hijikata et al.	2/23/1988	
	4,729,661	Bell	3/8/1988	
	4,764,342	Kelln et al.	8/16/1988	
	4,774,055	Wakatake et al.	9/27/1988	
	4,795,613	Azuma et al.	1/3/1989	
	4,795,710	Muszak et al.	1/3/1989	
	4,808,380	Minekane	2/28/1989	
	4,815,978	Mazz et al.	3/28/1989	
	4,824,641	Williams	4/25/1989	
	4,849,177	Jordan	7/18/1989	
	4,855,110	Marker et al.	8/8/1989	
	4,865,811	Newton et al.	9/12/1989	
	4,900,513	Barker et al.	2/13/1990	
	4,919,887	Wakatake	4/24/1990	
	4,933,147	Hollar et al.	6/12/1990	
	4,943,415	Przybylowicz et al.	7/24/1990	
	4,961,906	Andersen et al.	10/09/1990	
	4,965,049	Lillig et al.	10/23/1990	
	4,985,206	Bowman et al.	01/15/1991	
	4,988,482	Weston	1/29/1991	
	5,031,797	Boris et al.	7/16/1991	
	5,051,238	Umetsu et al.	9/24/1991	
	5,059,393	Quenin et al.	10/22/1991	
	5,075,079	Kerr et al.	12/24/1991	
	5,102,624	Muraishi	4/7/1992	
	5,106,583	Raysberg et al.	4/21/1992	
	5,122,342	McCulloch et al.	6/16/1992	
	5,180,606	Stokes et al.	01/19/1993	
	5,250,262	Heidt et al.	10/5/1993	
	5,311,426	Donohue et al.	5/10/1994	
	5,316,452	Bogen et al.	5/31/1994	
	5,316,728	Hayashi et al.	5/31/1994	
	5,350,697	Swope et al.	9/27/1994	
	5,355,695	Kawaguchi et al.	10/18/1994	
	5,365,595	Kanamori et al.	10/18/1994	
	5,424,036	Ushikubo	6/13/1995	
	5,656,493	Mullis et al.	8/12/1997	
	5,958,341	Chu	9/28/1999	

	6,083,490	Ellis et al.	7/4/2000	
	6,248,590	Malachowski	6/19/2001	
	6,405,609	Richards et al.	6/18/2002	
	6,408,931	Tilak	6/25/2002	
	6,420,916	Freeman	7/16/2002	
	6,498,037	Lewis et al.	12/24/2002	
	6,872,901	Copeland et al.	12/7/2004	
	6,943,029	Copeland et al.	9/13/2005	
	2001/010936	Richards et al.	8/2/2001	
	2002/0091593	Fowler	7/11/2002	
	2002/0116132	Rhett et al.	8/22/2002	
	2003/0099573	Tseung et al.	5/29/2003	
	2005/0038676	Showalter et al.	2/17/2006	
	2005/0159982	Showalter et al.	7/21/2005	
	2006/0045806	Winther et al.	3/2/2006	
	2006/0062365	Welcher et al.	3/23/2006	
		Feingold et al.	4/20/2006	
	2006/0085140			
	2006/0088940	Feingold et al.	4/27/2006	
	2006/0105359	Favuzzi et al.	5/18/2006	
		Buchanan et al.	8/3/2006	
	2006/0172426			
	2006/046298 A1	Key et al.	3/2/2006	
	2006/088928	Sweet et al.	4/27/2006	
	RE 28585	Amos et al.	2/3/1975	
	RE 30,730	Duff	9/1/1981	

II. FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	Foreign Patent Document Country Code, Number, Kind Code (if known)	PATENTEE OR APPLICANT NAME	PUB'N DATE mm- dd-yyyy	TRANSLATION	
				Yes	No
	EP 0285851 A2	Fuji Photo Film Co., Ltd.	10/12/1988		
	EP 0290018 A2	Abbott Laboratories	11/9/1988		
	FR 2239167	Ministere de L'Agriculture, Service Veterinaire	7/26/1973		
	GB2216 259	Microvol Limited	3/31/1988		
	JP 54014287 A	Toshiba Corp.	2/2/1979		
	JP 55107957	Agency of Ind Science & Technol	8/19/1980		
	WO 03/052386 A1	Lab Vision Corporation	6/26/2003		
	WO 2005/084263 A2	Dako Denmark A/S	9/15/2005		
	WO 85/03571	Hulette	8/15/1985		
	WO 87/00086	American Hospital Supply Corp.	1/15/1987		
	WO 88/02866	Serono Diagnostics Partners	4/21/1988		
	WO 8802865	Weston	4/21/1988		
	WO 89/01616	Arthur Harris	2/23/1989		
	WO 91/13335	Immunodiagnostics, Inc.	9/5/1991		

III. OTHER REFERENCES

EXAMINER INITIAL	Document
	European Patent Application No. 91 90 8695 Supplementary European Search Report, Search completed March 26, 1993
	CHOW et al., "Application of Existing Technology to Meet Increasing Demands for Automated Sample Handling," Clinical Chemistry, 36(9):1579-1582, 1990.
	DRICSOLL et al., "Discreet Automated Chemistry System with Tableted Reagents," Clinical Chemistry, 29(9): 1609-1615, 1983.
	GARZA et al., "Bar Codes in the Clinical Laboratory," Clinical Laboratory Science, 4(1):23-24, Jan/Feb 1991.
	INNIS et al., "DNA Sequencing with <i>Thermus Aquaticus</i> DNA Polymerase and Direct Sequencing of Polymerase Chain Reaction-Amplified DNA," Proc. Natl. Acad. Sci, 85:9436-9440, December 1988.
	International Application No. PCT/US03/40520 filed December 19, 2003; Written Opinion
	International Application No. PCT/US03/40974 filed December 19, 2003; Written Opinion
	International Application Number PCT/US03/40880 Written Opinion dated September 28, 2005
	International Preliminary Examination Report, P131WO01, International Application No. PCT/US03/40518 filed December 19, 2003
	International Preliminary Examination Report, P139WO01, International Application No. PCT/US03/40880 filed December 22, 2003
	International Preliminary Examination Report, P140WO01, International Application No. PCT/DK03/00877 filed December 15, 2003
	International Preliminary Examination Report, P142WO01, International Application No. PCT/US03/40519 filed December 19, 2003
	International Preliminary Examination Report, P143WO01, International Application No. PCT/US03/40591 filed December 19, 2003
	International Preliminary Examination Report, P144WO01, International Application No. PCT/US03/41022 filed December 22, 2003
	International Preliminary Examination Report, P145WO01, International Application No. PCT/US03/40520 filed December 19, 2003, mailing date March 27, 2006
	International Preliminary Examination Report, P145WO01, International Application No. PCT/US03/40520 filed December 19, 2003, mailing date May 31, 2005
	International Preliminary Examination Report, P149WO01, International Application No. PCT/US03/40974 filed December 19, 2003
	Lifshitz, M. S, et al., Talking about Technology, Clinical Laboratory Management Review, 1989 Jan-Feb;3(1):53-4.
	LINDEMAN et al., "Evaluation of the Automation of the Immunoenzymatic Procedures in a Routine Histo/Cytopathological Laboratory," Histopathology, 6:739-746, 1982.
	Pearson, L. S., The use of bar coding technology, Medical Device Technology, March 1994
	RAPPAPORT, "If Bar Code Works in Supermarkets, It Should Be Great for Medicine," Pathologist, 39(2): 39-40, 185.
	Rocks, B. F. et al., Automatic analysers in clinical biochemistry, B F Rocks et al 1986 Clin. Phys. Physiol. Meas. 7 1-29

	SAIKI et al., "Enzymatic Amplification of β -Globin Genomic Sequences and Restriction Site Analysis for Diagnosis of Sickle Cell Anemia," Science 230:1350-1353, 20 December 1985.
	Singer, R. et al., Selection and evaluation of laboratory instrumentation in clinical chemistry: II Guidelines for selection and evaluation, Med Lab Sci. 1987 Jan;44(1):6-14.
	Stark et al., An automated Device of Immunocytochemistry, Journal of Immunological Methods, 1988, Elsevier, 107, pp. 89-92
	Taylor, C., Creating a bar code chemistry system, Medical Laboratory Observer, 1993 Feb;25(2):34-6.
	TILZER et al., "Use of Bar Code Labels on Collection Tubes for Specimen Management in the Clinical Laboratory," Arch Pathol Lab Med, 112:1201-1202, Dec. 1988.
	U.S. Patent Application No. 11/119,417 filed April 30, 2005, "Method and Apparatus for Pretreatment of Biological Samples
	United States District Court, District of Arizona, CV03-92 TUC-RCC, Ventana Medical vs Biogenix Laboratories Reporter's Transcript of Proceedings (Markman Hearing) before Honorable Raner C. Collins, August 11, 2005.
	United States District Court, District of Arizona, CV03-92 TUC-RCC, Ventana Medical vs Biogenix Laboratories, Judgment in a Civil Case, October 19, 2005
	United States District Court, District of Arizona, CV03-92 TUC-RCC, Ventana Medical vs Biogenix Laboratories, Order and Opinion on Motion, August 23, 2005
	United States District Court, District of Arizona, CV03-92 TUC-RCC, Ventana Medical vs Biogenix Laboratories, Order filed October 4, 2005
	United States District Court, District of Arizona, Ventana v. Cytologix, CIV 02117 TUC (RCC) Plaintiff's Memorandum in Support of Petition for Temporary Restraining Order and Permanent Injunction filed March 2002
	United States District Court, District of Arizona, Ventana v. Cytologix, CIV 02117 TUC (WDB) Ventana's Reply in Support of its Motion for Preliminary Relief filed June 2002
	United States District Court, District of Arizona, Ventana v. Cytologix, CIV 02117 TUC(WDB) Defendant's Surreply in Opposition to Plaintiff's Motion for Preliminary Injunctive Relief filed July 2002
	United States District Court, District of Arizona, Ventana v. Cytologix, CIV02117 TUC (RCC) Plaintiff's Motion for Temporary Restraining Order filed March 2002
	United States District Court, District of Delaware, Ventana v. Dakocytomation California, CIV041522 (GMS) Order Construing the Terms of U.S. Patent No. 6,827,901 dated December 13, 2005
	United States District Court, District of Massachusetts, Vision Biosystems (USA) Trading v. Ventana Medical Systems, CIV 03CV10391GAO, Declaration of Richard Wydeven in Support of Plaintiff's Motion for Summary Judgment of Non-Infringement Based on Collateral Estoppel, filed October 7, 2005
	United States District Court, District of Massachusetts, Vision Biosystems (USA) Trading v. Ventana Medical Systems, CIV 03CV10391GAO, Defendant Ventana Medical Systems, Inc.'s Memorandum in Opposition to Vision's Motion for Summary Judgment of Non-Infringement Based on Collateral Estoppel, filed October 21, 2005
	United States District Court, District of Massachusetts, Vision Biosystems (USA) Trading v. Ventana Medical Systems, CIV 03CV10391GAO, Defendant Ventana Medical Systems, Inc.'s Statement of Material Facts in Dispute, in Opposition to Vision's Motion for Summary Judgment of Non-Infringement Based on Collateral Estoppel, filed October 21, 2005

	United States District Court, District of Massachusetts, Vision Biosystems (USA) Trading v. Ventana Medical Systems, CIV 03CV10391GAO, Defendant's Statement of Material Facts in Dispute, in Opposition to Plaintiff's Motion for Summary Judgment of No Infringement of the 861 Patent, filed January 15, 2004
	United States District Court, District of Massachusetts, Vision Biosystems (USA) Trading v. Ventana Medical Systems, CIV 03CV10391GAO, Memorandum and Order filed September 30, 2004
	United States District Court, District of Massachusetts, Vision Biosystems (USA) Trading v. Ventana Medical Systems, CIV 03CV10391GAO, Plaintiff's Memorandum in Support of its Motion for Summary Judgment of Noninfringement Based on Collateral Estoppel, filed October 7, 2005
	United States District Court, District of Massachusetts, Vision Biosystems (USA) Trading v. Ventana Medical Systems, CIV 03CV10391GAO, Plaintiff's motion for Summary Judgment of Non-Infringement Based on Collateral Estoppel filed October 7, 2005
	United States District Court, District of Massachusetts, Vision Biosystems (USA) Trading v. Ventana Medical Systems, CIV 03CV10391GAO, Plaintiff's Statement of Undisputed Facts in Support of its Motion for Summary Judgment of Non-Infringement Based on Collateral Estoppel, filed October 7, 2005
	United States District Court, Eastern District of Massachusetts, Vision Biosystems (USA) Trading v. Ventana Medical Systems, CIV 03CV10391GAO, Defendant's Memorandum in Opposition to Plaintiff's Motion for Summary Judgment of No Infringement, and in Support of Defendant's Cross-Motion for Summary Judgment of Infringement of the 861 Patent, filed January 15, 2004
	United States District Court, Eastern District of Massachusetts, Vision Biosystems (USA) Trading v. Ventana Medical Systems, CIV 03CV10391GAO, Defendant's Statement of Undisputed Material Facts, in Support of its Cross-Motion for Summary Judgment of Infringement of the 861 Patent filed January 2004
	United States nonprovisional Application No. 07/488,601, "Automated Biological Reaction Apparatus" filed March 02, 1990
	United States nonprovisional Application No. 07/924,052, "Automated Biological Reaction Apparatus" filed August 31, 1992
	United States Provisional Application No. 60/487,998, "An Interface Point Server," filed July 17, 2003, 52 pages.
	US Patent Application Number 10/054,535, Entitled Automated Biological Reaction Apparatus, now Patent number 6,943,029 , the entire wrapper

EXAMINER:	DATE CONSIDERED
EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.	